

This arrangement poses a clear potential conflict.

A core function of congressional oversight is to ensure that governmental Departments and Agencies are free of conflicts of interest. That is especially so with the Justice Department and the FBI. If conflict infects them, those investigations and prosecutions, the very purpose of the Department's existence, could be undermined.

So I have requested a recusal memo for McQuaid. I have also requested to know, as a threshold issue, whether one even exists. Attorney General Garland won't answer.

Now, can you believe that? Here we have a Federal criminal case that implicates the President's son, and the Attorney General won't even answer Congress as to whether or not an employee of his Department who has an apparent conflict is recused from that matter?

It certainly looks like the Garland Justice Department is doing all that it can to protect the President's son.

Let me remind the Attorney General that I was the one who led a transcribed interview with President Trump's son. For all of the grief that Trump and his family got from the Democrats, at least that family showed up and answered the questions of legitimate congressional oversight.

Early on in the Attorney General's tenure, I instructed my oversight staff to work diligently and, of course, in good faith with their counterparts at the Justice Department. My staff have done the phone calls. They have had the meetings. They have sent emails, many of which go unanswered. My staff has done this all in good faith.

At my level, I have made every effort to get the Attorney General on the phone to discuss my oversight requests. It took him 2 months to get on the phone with me for a one-on-one call. I found out just the other week that Attorney General Garland's staff never told him of my request to speak with him. This omission is a dereliction of duty by the Department staff, to keep something like that from the Attorney General. Like I said, either you run the Department, or the Department runs you.

This type of unresponsive conduct has consequences. These consequences might not be immediate, but eventually, as I have seen over the years, ultimately the consequences arrive. The more their government tries to hide from them, the more the American people lose faith in government institutions. With such bad government conduct, I don't blame the people for losing faith. The fault is with the government, not the American people. After all, we work for the American people; they don't work for us. It is sad to say, but many in Washington, DC, don't understand that very fundamental precept of our constitutional Republic.

My fellow Senators, this type of conduct from the Biden administration

and the Justice Department is unacceptable. But it isn't just this administration or this Justice Department; it is something I have seen too long under both Republican and Democratic Presidents, and it will have long-term consequences for the integrity of our governmental institutions.

In light of the Department's consistent failure to respond to my oversight requests, I will object to any unanimous consent request that Kenneth Polite be confirmed as Assistant Attorney General for the Criminal Division. I do not do so on the basis of his credentials, which I don't question; I do it as a message to the Attorney General that he needs to improve DOJ's interaction with the Congress.

#### VICTIMS OF CRIME ACT

Mr. President, on another matter, we will soon be voting on the Victims of Crime Act. I was an original cosponsor of that act when the Senate Judiciary Committee developed the legislation years ago. I appreciate the opportunity to work with Senators DURBIN, GRAHAM, and other Judiciary Committee colleagues this year on amendments to this landmark law.

The principle behind this statute is very simple. It is that fines and penalties collected by the Department of Justice from those who are convicted of committing Federal crimes should be used to help those who are victims of the crimes.

Because the fund relies solely upon fines and other assessments paid by Federal criminals, not from the taxpayers, it does not add to the deficit. So any of these expenditures are very fiscally responsible.

The money in this fund helps at least 6,800 local organizations, examples like rape crisis centers and child advocacy centers. So this money provides needed services to millions of crime victims across the country each year. The fund supports crisis hotline counseling or medical care or other services to these crime survivors, but it also does things like providing lost wages, courtroom advocacy, temporary housing, and there are a lot of other services that come from this money.

Since its enactment, billions of dollars have flowed through the Crime Victims Fund to our States and our communities to help support victim assistance programs. More than three decades after its inception, the fund is still working, but deposits into the fund have declined significantly in recent years. So obviously the continuation of some of these programs is less effective or even in doubt when the money available for them is not certain to be there. This is an issue of why this bill is before us, the VOCA Fix Act. This bill would resolve this problem of not enough money going into the fund.

Why is the money not going into the fund? The issue stems from Federal prosecutors' increasing reliance upon no- or deferred-prosecution agreements rather than upon conviction. The

money collected by the Department of Justice in these settlement agreements, then, is not attributed to the Crime Victims Fund the same way as if it had gone through the court process and people had been convicted.

Among other provisions, the bill makes a deposits fix to preserve the Crime Victims Fund; in other words, to overcome the fact that these no- or deferred-prosecution agreements—that money doesn't now go into those funds. It requires that the money from the no- or deferred-prosecution agreements must go into the fund rather than the General Fund. The bill also changes the match requirements for State and local grant programs that rely on this statute.

Providing this fix will enable crime survivors in my State of Iowa and across the Nation to continue to have these services available in their communities. I encourage my colleagues to support the legislation.

#### FILIBUSTER

Mr. President, the last point I want to make is a very short one.

According to the nonpartisan Congressional Research Service, the definition of "filibustering" is this: "Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote."

Now, this is exactly what Texas Democrats are doing by fleeing their State to avoid a majority vote on an election reform bill. This group of Texas legislators flew to Washington, DC, where they are hypocritically demanding that the Senate abolish its tradition of extended debate so national legislation can be passed on the slimmest of majorities. And you can't get any slimmer than a 50-50 Senate.

The Senate majority leader called these legislators brave and courageous for their dishonest filibuster in the Texas Legislature, while they denounce the filibuster at the national level.

Texas is a very large and diverse State, but the United States is made up of 50 different States, plus territories, spread over a great distance. If the majority ought to not be allowed to rule in Texas, then how can they justify breaking the rules and traditions of the Senate to impose the will of 50 percent of the country on the other 50 percent?

So let's be very clear. As I have said before, the false, evidence-free claims of widespread voter suppression are as damaging as false claims of widespread voter fraud and thus need to stop. The reality is that each State is different, so it makes sense that States will have different voting processes.

Discrimination in voting is illegal. It is a Federal crime, and thank God it is a Federal crime. Beyond that, diversity in our Nation is a strength, not a weakness.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 195, Kenneth Allen Polite, Jr., of Louisiana, to be an Assistant Attorney General.

Charles E. Schumer, Richard J. Durbin, Tina Smith, Margaret Wood Hassan, Catherine Cortez Masto, Jeff Merkley, Patty Murray, Tammy Baldwin, Debbie Stabenow, Gary C. Peters, Angus S. King, Jr., Sheldon Whitehouse, Robert P. Casey, Jr., Christopher Murphy, Ben Ray Lujan, Jack Reed, Chris Van Hollen.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kenneth Allen Polite, Jr., of Louisiana, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 57, nays 43, as follows:

[Rollcall Vote No. 268 Ex.]

#### YEAS—57

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Heinrich     | Peters     |
| Bennet       | Hickenlooper | Portman    |
| Blumenthal   | Hirono       | Reed       |
| Booker       | Kaine        | Rosen      |
| Brown        | Kelly        | Sanders    |
| Cantwell     | Kennedy      | Schatz     |
| Cardin       | King         | Schumer    |
| Carper       | Klobuchar    | Shaheen    |
| Casey        | Leahy        | Sinema     |
| Cassidy      | Lujan        | Smith      |
| Collins      | Manchin      | Stabenow   |
| Coons        | Markey       | Tester     |
| Cortez Masto | Menendez     | Tillis     |
| Duckworth    | Merkley      | Van Hollen |
| Durbin       | Murkowski    | Warner     |
| Feinstein    | Murphy       | Warnock    |
| Gillibrand   | Murray       | Warren     |
| Graham       | Ossoff       | Whitehouse |
| Hassan       | Padilla      | Wyden      |

#### NAYS—43

|           |            |            |
|-----------|------------|------------|
| Barrasso  | Grassley   | Romney     |
| Blackburn | Hagerty    | Rounds     |
| Blunt     | Hawley     | Rubio      |
| Boozman   | Hoeven     | Sasse      |
| Braun     | Hyde-Smith | Scott (FL) |
| Burr      | Inhofe     | Scott (SC) |
| Capito    | Johnson    | Shelby     |
| Cornyn    | Lankford   | Sullivan   |
| Cotton    | Lee        | Thune      |
| Cramer    | Lummis     | Toomey     |
| Crapo     | Marshall   | Tuberville |
| Cruz      | McConnell  | Wicker     |
| Daines    | Moran      | Young      |
| Ernst     | Paul       |            |
| Fischer   | Risch      |            |

The PRESIDING OFFICER (Mr. LUJÁN). The yeas are 57, the nays are 43.

The motion is agreed to.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 246, Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years.

Charles E. Schumer, Ben Ray Lujan, Jeff Merkley, Raphael G. Warnock, Alex Padilla, Sheldon Whitehouse, Christopher A. Coons, Benjamin L. Cardin, Jack Reed, Patrick J. Leahy, Tammy Baldwin, Robert P. Casey, Jr., Christopher Murphy, Tim Kaine, John W. Hickenlooper, Angus S. King, Jr., Tammy Duckworth, Patty Murray.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 269 Ex.]

#### YEAS—50

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Hickenlooper | Reed       |
| Bennet       | Hirono       | Rosen      |
| Blumenthal   | Kaine        | Sanders    |
| Booker       | Kelly        | Schatz     |
| Brown        | King         | Schumer    |
| Cantwell     | Klobuchar    | Shaheen    |
| Cardin       | Leahy        | Sinema     |
| Carper       | Lujan        | Smith      |
| Casey        | Manchin      | Stabenow   |
| Coons        | Markey       | Tester     |
| Cortez Masto | Menendez     | Van Hollen |
| Duckworth    | Merkley      | Warner     |
| Durbin       | Murphy       | Warnock    |
| Feinstein    | Murray       | Warren     |
| Gillibrand   | Ossoff       | Whitehouse |
| Hassan       | Padilla      | Wyden      |
| Heinrich     | Peters       |            |

#### NAYS—50

|           |            |            |
|-----------|------------|------------|
| Barrasso  | Graham     | Portman    |
| Blackburn | Grassley   | Risch      |
| Blunt     | Hagerty    | Romney     |
| Boozman   | Hawley     | Rounds     |
| Braun     | Hoeven     | Rubio      |
| Burr      | Hyde-Smith | Sasse      |
| Capito    | Inhofe     | Scott (FL) |
| Cassidy   | Johnson    | Scott (SC) |
| Collins   | Kennedy    | Shelby     |
| Cotton    | Lankford   | Sullivan   |
| Cotton    | Lee        | Thune      |
| Cramer    | Lummis     | Tillis     |
| Crapo     | Marshall   | Toomey     |
| Cruz      | McConnell  | Tuberville |
| Daines    | Moran      | Wicker     |
| Ernst     | Murkowski  | Young      |
| Fischer   | Paul       |            |

(Ms. SINEMA assumed the Chair.)

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative.

The motion is agreed to.

#### EXECUTIVE CALENDAR

The VICE PRESIDENT. The clerk will report the nomination.

The bill clerk read the nomination of Jennifer Ann Abruzzo, of New York, to be General Counsel of the National Labor Relations Board for a term of four years.

#### RECESS

The VICE PRESIDENT. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

#### EXECUTIVE CALENDAR—Continued

##### VOTE ON POLITE NOMINATION

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I ask unanimous consent that the scheduled vote take place immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Polite nomination?

Mr. COONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 270 Ex.]

#### YEAS—56

|              |              |            |
|--------------|--------------|------------|
| Baldwin      | Heinrich     | Peters     |
| Bennet       | Hickenlooper | Reed       |
| Blumenthal   | Hirono       | Rosen      |
| Booker       | Kaine        | Sanders    |
| Brown        | Kelly        | Schatz     |
| Cantwell     | Kennedy      | Schumer    |
| Cardin       | King         | Shaheen    |
| Carper       | Klobuchar    | Sinema     |
| Casey        | Leahy        | Smith      |
| Cassidy      | Lujan        | Stabenow   |
| Collins      | Manchin      | Tester     |
| Coons        | Markey       | Tillis     |
| Cortez Masto | Menendez     | Van Hollen |
| Duckworth    | Merkley      | Warner     |
| Durbin       | Murkowski    | Warnock    |
| Feinstein    | Murphy       | Warren     |
| Gillibrand   | Murray       | Whitehouse |
| Graham       | Ossoff       | Wyden      |
| Hassan       | Padilla      |            |

#### NAYS—44

|           |            |            |
|-----------|------------|------------|
| Barrasso  | Grassley   | Risch      |
| Blackburn | Hagerty    | Romney     |
| Blunt     | Hawley     | Rounds     |
| Boozman   | Hoeven     | Rubio      |
| Braun     | Hyde-Smith | Sasse      |
| Burr      | Inhofe     | Scott (FL) |
| Capito    | Johnson    | Scott (SC) |
| Cornyn    | Lankford   | Shelby     |
| Cotton    | Lee        | Sullivan   |
| Cramer    | Lummis     | Thune      |
| Crapo     | Marshall   | Toomey     |
| Cruz      | McConnell  | Tuberville |
| Daines    | Moran      | Wicker     |
| Ernst     | Paul       | Young      |
| Fischer   | Portman    |            |

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The majority whip.